



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

B9

JAN 10 2005

FILE:

Office: VERMONT SERVICE CENTER

Date:

EAC 03 120 53925

IN RE:

Petitioner:

Beneficiary:

PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

For Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Vietnam who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as the battered spouse of a United States citizen.

The director denied the petition, finding that the petitioner had failed to establish that she entered into the marriage in good faith. On appeal, counsel for the petitioner indicated that he would submit a brief within thirty-two days of filing the appeal. More than four months have lapsed since the appeal was filed and nothing more has been submitted to the record.

The record of proceedings indicates that the petitioner initially entered the United States as a K-1 fiancée on February 24, 2001. She wed Trung Van Nguyen, a U.S. citizen, on March 22, 2001 in Sacramento, California. The petitioner filed a Form I-485, application to register permanent residence or adjust status. On March 6, 2003, the petitioner filed a Form I-360 petition for special immigrant status. The petitioner's Form I-485 was deemed abandoned and denied on June 27, 2003.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director. Counsel for the petitioner indicated that he would submit additional evidence, but he failed to do so.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.